

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**TIAN LONG USA, Inc.,**

**Plaintiff,**

**-vs-**

**F & L SHIPPING, INC.,**

**Defendant,**

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**Civil Action No. 09-4189 (GEB)**

**REPORT AND RECOMMENDATION**

**BACKGROUND**

On August 17, 2009, plaintiff Tian Long USA Inc. ("plaintiff") filed a Complaint against F & L Shipping, Inc. ("F & L"). On January 6, 2010, F & L filed its Answer.

On March 30, 2010, attorney Matthew A. Cuomo, Esq. ("Cuomo") of the law firm of Cuomo LLC, filed an unopposed motion to be relieved as counsel for plaintiff. On April 16, 2010 this Court issued an Order granting Cuomo's motion to withdraw, and directing Cuomo to provide a copy of the Order to plaintiff. This Court further directed plaintiff, which is a corporate entity, to have new counsel enter an appearance on its behalf no later than May 25, 2010, because corporate entities cannot represent themselves under applicable law. The Court also advised that, if counsel failed to enter an appearance on plaintiff's behalf by May 25, 2010, this Court would ask the District Judge to dismiss the complaint. The parties were directed to appear before this Court for a status conference on Tuesday May 25, 2010 at 12:00 p.m. or risk the imposition of sanctions.

On May 25, 2010 defense counsel appeared at the scheduled conference. No party representative or counsel appeared on plaintiff's behalf.

**CONCLUSION**

Pursuant to settled Third Circuit law, corporations cannot represent themselves pro se. See Simbrow v. United States, 367 F.2d 373, 374 (3d Cir. 1966). Despite admonitions, the corporate plaintiff, Tian Long, has not retained new counsel. Therefore, I recommend that the District Court dismiss the Complaint of the corporate plaintiff, Tian Long USA, Inc. (Docket Entry No. 1). The parties have fourteen (14) days from the date hereof to file and serve objections.

Respectfully submitted,

s/Madeline Cox Arleo  
**MADELINE COX ARLEO**  
**United States Magistrate Judge**

Dated: June 11, 2010

Original: Clerk of the Court  
cc: Hon. Garrett E. Brown Jr., U.S.D.J.  
All Parties  
File